

TITLE 8. EMERGENCY AND MILITARY AFFAIRS**CHAPTER 2. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS
DIVISION OF EMERGENCY MANAGEMENT**

(Authority: A.R.S. §§ 26-301 et seq., 35-192 et seq.)

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ARTICLE 2. REPEALED

Article 2, consisting of Sections R8-2-18 through R8-2-22, repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2002 now the permanent effective date (Supp. 02-2).

Section

- R8-2-18. Repealed
- R8-2-19. Repealed
- R8-2-20. Repealed
- R8-2-21. Repealed
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ARTICLE 3. GOVERNOR'S EMERGENCY FUND

Article 3, consisting of Sections R8-2-301 through R8-2-330, adopted effective September 18, 1996 (Supp. 96-3).

Article 3, consisting of Sections R8-2-33 through R8-2-39, repealed effective September 18, 1996 (Supp. 96-3).

Article 3, consisting of Sections R8-2-33 through R8-2-39, adopted effective June 11, 1980.

Former Article 3, consisting of Sections R8-2-33 through R8-2-38, repealed effective June 11, 1980.

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ARTICLE 4. REPEALED

Article 4, consisting of Section R8-2-41, repealed effective November 16, 1988.

Article 4, consisting of Section R8-2-41, repealed as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days. Emergency expired.

Article 4, consisting of Section R8-2-41, adopted effective April 2, 1985.

Former Article 4, consisting of Section R8-2-41, repealed effective April 2, 1985.

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ARTICLE 1. SEARCH OR RESCUE**R8-2-101. Definitions**

In this Article, for purposes of these rules, and unless the text requires otherwise:

1. "Claimant" means a department of the state or a political subdivision eligible to receive state reimbursement for search or rescue operations.
2. "Emergency Operations Center for Search or Rescue" means the State Emergency Operations Center provides coordination, communications, technical, administrative and support assistance. The center is located in the offices of the State Division of Emergency Services.

3. "Mission" means any action required to accomplish that portion of Title 26, Arizona Revised Statutes, relating to the preparation for and conduct of search or rescue operations.
4. "Mission coordinator" means the sheriff, excluding federal reservations, where agreements are nonexistent.
5. "Mission identifier" means a number assigned by the State Division of Emergency Services to identify a search or rescue mission.
6. "On-scene coordinator" means the individual or team chief designated by the sheriff as the on-scene person in charge of a particular search or rescue mission.
7. "Political subdivision" means, within the context of this Article, a county government.
8. "Recovery" means to relocate, under direction of competent authority, a deceased person from the site of his demise to an appropriate location.
9. "Reimbursement" means the payment of state funds in accordance with A.R.S. § 35-192.01(A) and (B).
10. "Rescue" means to render aid, under the direction of competent authority, to persons whose life or health is threatened by circumstances beyond their control and return them to a place of safety.
11. "Search" means to seek out and locate, by the use of air, surface, and/or subsurface equipment and qualified registered personnel, live persons known or thought to be, by competent authority, in a distress situation and unable to reach a place of safety by their own efforts.

Historical Note

Former Rule Part 3; Amended effective July 18, 1977 (Supp. 77-4). Amended paragraphs (1), (3) and (8) effective June 30, 1986 (Supp. 86-3). Editorial correction, paragraph (2) (Supp. 88-4). Former R8-2-01 amended and renumbered effective March 7, 1990 (Supp. 90-1).

R8-2-102. Support of Search or Rescue Operations

- A. The Director of the Division of Emergency Services, in accordance with A.R.S. Title 26, is responsible for supporting search or rescue operations of the state, coordinating the use of state resources or the resources of one or more political subdivisions in support of any other political subdivision in the conduct of search or rescue operations and for providing the services of a state search or rescue coordinator.
- B. The Division of Emergency Services shall coordinate activities to include the following:
 1. Mission identifiers for search or rescue operations.
 - a. To obtain a mission identifier during business hours, contact the State Division of Emergency Services by telephone.
 - b. On weekends, holidays or other than normal business hours, contact the headquarters of the Department of Public Safety by telephone. The name and telephone number of the caller will be relayed to personnel of the Division of Emergency Services who will assist the caller.
 2. State government personnel and/or equipment, including the Arizona National Guard.
 3. United States military personnel and/or equipment.
 4. Resources not readily available locally.
 5. Resources to support responsible authorities on federal reservations.
 6. Specialized personnel and/or equipment from other states.
 7. A state government search or rescue coordinator to assist the on-scene coordinator.
 8. Reimbursement of eligible claims.

9. Prescribing forms and/or procedures for acquiring mission identifiers, reporting search or rescue mission activities, claiming reimbursement of eligible expenses and similar administrative matters.

Historical Note

Former Rule Part 4A Attachment B; Former Rule Part 4 Attachment C; Former Rule Part 4 Attachment D; Amended effective June 30, 1986 (Supp. 86-3). Former R8-2-02 amended and renumbered effective March 7, 1990 (Supp. 90-1).

R8-2-103. Reimbursement to County Governments

- A. Reimbursement to county governments from the Governor's Emergency Fund is authorized for eligible expenses incurred during the conduct of search or rescue operations. A search or rescue mission, in order to qualify for reimbursement must fall within the purview of A.R.S. § 35-192(C). Claims should be submitted within 21 calendar days after the close or suspension of the mission. Eligible and ineligible expenses are itemized below:
 1. Eligible:
 - a. Salaries or contracts for the services of specialized personnel, provided that prior approval has been obtained from the Director, Division of Emergency Services.
 - b. Overtime pay for eligible government employees.
 - c. Telephone or telegraph charges directly related to search or rescue missions.
 - d. Reimbursement of recovery expenses should the subject of an eligible search or rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency Services.
 - e. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search or rescue mission.
 - f. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. The prior approval of the Director, Division of Emergency Services is required.
 - g. Actual costs of fuel or lubricants paid by a county government for the operation of vehicles, equipment, or aircraft.
 - h. Repairs to surface/subsurface vehicles and equipment damaged during search or rescue missions. Costs are limited to the restoration of the immediate premission condition.
 2. Ineligible:
 - a. Regular salaries or wages of government employees,
 - b. Salaries or wages of elected or appointed officials and employees ineligible for overtime pay,
 - c. Office supplies and equipment,
 - d. Rental of administrative office space,
 - e. Purchase of equipment or facilities,
 - f. Cost of items of personal wearing apparel.
- B. The eligibility of other expenses shall be determined by the Director, Division of Emergency Services, within the scope of this guidance, on a case-by-case basis.

Historical Note

Former Rule Part 5; Amended subsections (B) and (C) effective June 30, 1986 (Supp. 86-3). Former R8-2-03 amended and renumbered effective March 7, 1990 (Supp. 90-1).

R8-2-104. Reimbursement to a Department or Agency of the State

A. Expenses incurred, resulting from participation in search or rescue missions, shall be borne initially by the state department or agency. Reimbursement shall be governed by A.R.S. § 35-192.01(B). Claims should be submitted within 21 calendar days after the close or suspension of a mission. Eligible and ineligible expenses are itemized below:

1. Eligible:
 - a. Salaries or wages of extra employees directly engaged in search or rescue work.
 - b. Salaries or wages of regular employees who are diverted from their normal duties to engage in search or rescue work.
 - c. Overtime pay for eligible regular employees.
 - d. Communications charges directly related to search or rescue operations.
 - e. Travel directly related to search or rescue operations.
 - f. Reimbursement of recovery expenses should the subject of an eligible search or rescue mission be found deceased. Reimbursement of recovery expenses for a suspected decedent may be authorized with the prior approval of the Director, Division of Emergency Services.
 - g. Cost of materials and supplies procured with public funds or taken from government stocks and consumed, lost, damaged or destroyed during an eligible search or rescue mission.
 - h. Rental costs of specialized equipment or aircraft, provided that the rates do not exceed the lowest rates available for the same or similar equipment. The prior approval of the Director, Division of emergency Services is required.
 - i. Actual cost of fuel or lubricants paid by a state department or agency for the operation of vehicles, equipment or aircraft.
 - j. Repairs to surface/subsurface vehicles and equipment damaged during search or rescue mission. Costs are limited to the restoration of the immediate premission condition.
2. Ineligible:
 - a. Salaries or wages of elected or appointed officials and employees ineligible for overtime pay,
 - b. Office supplies and equipment,
 - c. Rental of administrative office space,
 - d. Costs of items of personal apparel.

B. The eligibility of other expenses shall be determined by the director, Division of Emergency Services, within the scope of this guidance, on a case-by-case basis.

Historical Note

Former Rule Part 6; Amended subsections (B) and (C) effective June 30, 1986 (Supp. 86-3). Former R8-2-04 amended and renumbered effective March 7, 1990 (Supp. 90-1).

R8-2-105. Claimant Procedures and Supporting Documentation

A. Claims for reimbursement require certification by competent authority. Certification must include:

1. The name of the agency.
2. The date of the claim and the search or rescue mission identifier.
3. The name of each payee and the date the claimant paid each.

4. The item or service for which each payee received payment.
5. The amount paid each payee.
6. A statement that the documents supporting the claim are available in the claimant agency for review by the State Auditor General and/or the auditor from the Division of emergency Services.
7. The signature of the individual authorized to file claims for the claimant agency.

B. The amounts claimed for reimbursement from the Governor's Emergency Fund must be based on eligible expenditures for a search or rescue mission to which a mission identifier has been assigned.

C. Appropriate documents, as prescribed by the Director, Division of Emergency Services, supporting each claim must be retained by the claimant pending audit by the State Auditor General and/or the Division of Emergency Services' Auditor.

Historical Note

Former Rule Part 7 Attachment F; Amended effective July 18, 1977 (Supp. 77-4). Amended effective June 30, 1986 (Supp. 86-3). Former R8-2-05 amended and renumbered effective March 7, 1990 (Supp. 90-1).

R8-2-106. Repealed**Historical Note**

Former Rule Part 8; Amended subsection (A) effective June 30, 1986 (Supp. 86-3). Repealed effective March 7, 1990 (Supp. 90-1).

R8-2-107. Repealed**Historical Note**

Former Rule Part 2. Repealed effective March 7, 1990 (Supp. 90-1).

ARTICLE 2. REPEALED

Article 2, consisting of Sections R8-2-18 through R8-2-22, repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2002 now the permanent effective date (Supp. 02-2).

R8-2-18. Repealed**Historical Note**

Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-19. Repealed**Historical Note**

Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-20. Repealed**Historical Note**

Former Rule Part 3; Amended effective July 20, 1977 (Supp. 77-4). Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-21. Repealed**Historical Note**

Former Rules Section 4.06-1, Section 4.06-2, Section 4.07 and Part 4; Amended effective July 20, 1977 (Supp. 77-4). Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

R8-2-22. Repealed**Historical Note**

Former Rule Part 5; Amended effective July 20, 1977 (Supp. 77-4). Section repealed by summary rulemaking at 7 A.A.R. 5655 with an interim effective date of December 21, 2001 (Supp. 01-4). Final summary rules filed April 8, 2002; interim effective date of December 21, 2001 now the permanent effective date (Supp. 02-2).

ARTICLE 3. GOVERNOR'S EMERGENCY FUND**R8-2-33. Repealed****Historical Note**

Former Rules 1 and 2; Former Section R8-2-33 repealed, new Section R8-2-33 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-34. Repealed**Historical Note**

Former Rules 2a and 2b; Former Section R8-2-34 repealed, new Section R8-2-34 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-35. Repealed**Historical Note**

Former Rules 3, 4, 5 and 6; Former Section R8-2-35 repealed, new Section R8-2-35 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-36. Repealed**Historical Note**

Former Rule 7; Former Section R8-2-36 repealed, new Section R8-2-36 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-37. Repealed**Historical Note**

Former Section R8-2-37 repealed, new Section R8-2-37 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-38. Repealed**Historical Note**

Former Sections A1, A2, B1, B2, C1, C2, D, E Attachment; Former Section R8-2-38 repealed, new Section R8-2-38 adopted effective June 11, 1980 (Supp. 80-3). Repealed effective September 18, 1996 (Supp. 96-3).

R8-2-39. Repealed**Historical Note**

R8-2-39 and Attachments 1 and 2 adopted effective June 11, 1980 (Supp. 80-3). R8-2-39 and Attachments 1 and 2 repealed effective September 18, 1996 (Supp. 96-3).

R8-2-301. Definitions

In addition to the definitions provided in A.R.S. § 26-301, the following definitions apply to this Article, unless specified otherwise:

1. "Applicant" means any state agency or political subdivision of the state that requests emergency assistance from the state.
2. "Applicant's authorized representative" means the person authorized by the governing body of a political subdivision to request funds, time extensions, and attend to other recovery matters related to a specific emergency proclamation.
3. "Application" means a written or verbal request by an applicant to the Director for emergency assistance.
4. "Contingency proclamation" means the document in which the governor authorizes the Director to pay expenses incurred by political subdivisions or state agencies that respond to frequently occurring emergencies that pose a significant and constant threat such as search or rescue, and hazardous materials spills.
5. "County" means the county or counties where an emergency is located.
6. "Department" means the Department of Emergency and Military Affairs provided in A.R.S. § 26-101.
7. "Eligible work" means actions taken and work performed by an applicant in response to an emergency that are consistent with the intent and purposes set forth in A.R.S. § 35-192 and these rules.
8. "Emergency" means any occasion or instance for which, in the determination of the Governor, state assistance is needed to supplement state agencies' and political subdivisions' efforts and capabilities to save lives, protect property and public health and safety, or to lessen or avert the threat of a disaster in Arizona.
9. "Emergency resolution" means a document by which the governing body of a political subdivision declares an emergency.
10. "Fund" means the portion of the general fund used to pay incurred liabilities and expenses authorized as claims against the state to meet contingencies and emergencies when the Governor declares that a state of emergency exists.
11. "Incident period" means the time interval of an emergency during which damage occurs.
12. "Political subdivision" means any county, incorporated city or town, or school, community college, or other tax-levying public improvement district.
13. "Proclamation" means the document in which the Governor declares that a state of emergency exists pursuant to A.R.S. § 35-192(A) and authorizes an expenditure from the fund.
14. "State" means the state of Arizona.
15. "State agency" means any department, commission, board, agency, or division of the state, including the Department of Emergency and Military Affairs.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-302. Applications for Emergency Assistance

- A. An applicant shall act for the purpose of this Article through its chief executive officer or body, or the applicant's authorized representative.
- B. An applicant shall use forms that are in the "Disaster Assistance Guide", ADEM Publication 100, June 1996 (and no future amendments or editions), which is incorporated by reference and is on file with ADEM and the Office of the Secretary of State.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-303. Contents of an Application

- A. An applicant shall set forth in an application the cause, location, and beginning date of the emergency, a description of the damage caused by the emergency and potential health hazards arising from the emergency, the costs incurred for emergency response, and an estimate of the number of people affected by the emergency and costs for recovery.
- B. Before submitting an application to the Director, the applicant shall use its available resources to respond to the emergency and request assistance from other political subdivisions that might respond to the emergency.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-304. Application by a Political Subdivision

- A. A county shall issue an emergency resolution before submitting an application to the Director.
- B. A political subdivision other than a county shall submit an emergency resolution to the county and request that, if necessary, the county issue an emergency resolution and make application to the Director. If the county fails to issue an emergency resolution expeditiously, a political subdivision may apply directly to the Director for assistance.
- C. A political subdivision shall submit an application to the Director using the most expeditious means.
- D. The Director shall reject an application that is not received within 15 days from the start of the emergency unless the political subdivision shows good cause for the delay or that the emergency is of a type that the date the emergency started is difficult to establish.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-305. Application by a State Agency

- A. An applicant that is a state agency shall submit an application directly to the Director using the most expeditious means.
- B. The Director shall reject an application that is not received within 15 days from the start of the emergency unless the state agency shows good cause for the delay or that the emergency is of a type that the date the emergency started is difficult to establish.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-306. Action on an Application

- A. The Director shall make a recommendation to the Governor whether to issue a proclamation.
- B. The Director shall notify the applicant immediately by telephone or, if necessary, in writing, of the Governor's decision to issue or not to issue a proclamation. If the Governor issues a proclamation, the Division shall forward a copy to the applicant.
- C. The Governor shall prescribe in the Governor's proclamation the maximum amount for which the state will be liable for the emergency that is the subject of the proclamation.
- D. State payment of claims submitted by a political subdivision pursuant to a proclamation shall not exceed 75% of eligible costs or the amount prescribed in the proclamation, whichever is less.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-307. Proclamation File Number

- A. The Division shall assign a file number to each emergency that is the subject of a proclamation.
- B. All correspondence regarding an emergency to which a file number is assigned shall reference the file number.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-308. Limitation of Fund Expenditure

Expenditure from the fund, as a result of a particular proclamation, shall not exceed the amount authorized in the proclamation unless an additional amount is authorized by the council as prescribed in A.R.S. § 35-192.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-309. Time Limit for Filing Claims

Before the ending date of the Governor's proclamation, the Director shall assess whether an extension of time is needed for an applicant to complete work and submit claims arising from an emergency. If the Director determines an extension of time is needed, the Director shall recommend that the Governor grant an extension.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-310. Retention of Records

The applicant shall maintain for five years all records relating to claims submitted by the applicant in accordance with A.R.S. § 41-1346 and shall make the records available for inspection and audit by the Department auditor and the auditor general.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-311. Establishment of the Incident Period and Termination of the Proclamation

- A. The Director shall recommend to the Governor, for inclusion in the Governor's proclamation, the beginning and ending dates of the incident period. If the Director determines that the incident period has a beginning or ending date different from that stated in the proclamation, the Director shall recommend to the Governor that the proclamation be amended to reflect the correct dates.
- B. At the Director's recommendation, the Governor shall terminate the proclamation when the following occur:
 - 1. The recovery work is complete,
 - 2. The Division completes a final inspection of all work for which the applicant submits a claim,
 - 3. The applicant submits a claim to the Director for all work which the applicant seeks reimbursement,
 - 4. The Division pays all authorized claims,
 - 5. The required audits are complete, and
 - 6. The applicant receives amount due or pays amount owed.
- C. After the audit and final payment of the applicant's claims, the Governor shall issue a termination proclamation.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-312. Duplication of Benefits

- A. The state is not liable for any claim arising from an emergency for which the applicant receives funds from another source.
- B. The state is not liable for any claim arising from an emergency unless the applicant applies for and is denied funding from other available sources before submitting the claim to the state.
- C. If the Director or an applicant determines that the applicant received duplicate funds for a claim from the state and from

another source, the applicant shall refund the amount received from the state.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-313. Allowable Claims Against the Fund

- A.** The Director shall allow expenditures from the fund for a claim arising from an emergency only if:
 1. The amount claimed is a direct result of response or recovery operations to the emergency;
 2. The applicant is legally responsible for providing response or recovery operations in the emergency; and
 3. The amount claimed is authorized under the provisions of subsection (B) or (D).
- B.** The Director shall allow the following costs to be paid as claims against the fund:
 1. Salaries or wages and benefits of the applicant's budgeted personnel directly engaged in eligible work;
 2. Salaries or wages and benefits of nonbudgeted employees directly engaged in eligible work;
 3. Communications;
 4. Travel;
 5. Materials and supplies consumed, except those listed under subsection (C)(2);
 6. Rental of privately owned equipment at documented contractual rates;
 7. Contributions toward the purchase of equipment if the necessary equipment is not available from federal, state, or local sources, and if the contribution does not exceed the cost of renting the item at prevailing local rates;
 8. Owning and operating the applicant's equipment using rates approved by the Director;
 9. Work performed by private contractors;
 10. Work performed under an agreement between local governments or between a local government and a state agency, that is completely documented by the local government or state agency performing the work; and
 11. Prison labor including amounts paid to prisoners in accordance with established rates and costs of transporting prisoners.
- C.** The Director shall not allow the following costs to be paid as claims against the fund:
 1. Salaries or wages and benefits of elected or appointed officials responsible for directing governmental activities;
 2. Office supplies and equipment;
 3. Rental of administrative office space;
 4. Depreciation, insurance, storage, and similar fixed overhead costs;
 5. Repairs and fuel for privately owned rented equipment, except where the rental agreement provides that the applicant will be responsible for repairs and fuel in addition to the rental fee;
 6. Work performed under agreement between a state agency or local government and a federal agency where the work is paid for by federal funds;
 7. Costs incurred under contracts based on cost plus a percentage of costs, unless the Director determines that the performance of immediate emergency work would be unduly delayed and would likely result in an imminent hazard to health or safety, in which case the Director may authorize an exception; and
 8. Prison labor costs for food, lodging, and guards.
- D.** To submit a claim for a cost that cannot be classified under subsection (B), an applicant shall make a written request to the Director for an exception. The Director shall grant a request

for an exception if the request explains the nature of the exception and justifies why it is needed. The Director shall immediately inform the applicant in writing of the decision to grant or deny the request for an exception.

- E.** When a facility damaged as a result of an emergency is repaired or replaced, the Director shall allow only the costs required to return the facility to the condition it was before the emergency, incorporating current standards and design requirements.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-314. Mitigation of Future Damages by the Applicant

The applicant shall comply with any mitigation requirements specified by the Director for repair or replacement projects subject to repeated damage from flooding or other threats to life or property.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-315. Advance of Funds

All requests for an advance of funds shall be signed by the applicant's authorized representative and forwarded to the Director. The Director shall assess a request for an advance to determine whether the request is reasonable and for eligible work that has been completed. The Director shall grant a request for an advance for work not completed only if an applicant has demonstrated that the work cannot be completed without an advance. The amount of an advance will be based upon eligible expenditures to date and the estimated eligible expenditures for the next 60-day period.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-316. Final Inspection and Audit

Upon completion of all work by an applicant, the Division shall inspect all the work that the applicant claims. The applicant shall provide the Division with access to all claimed work and shall permit review of all records relating to the work. After completion of the final inspection, the Department's chief auditor shall conduct an audit of the applicant's claims. The Director shall use this audit to determine the allowability of claimed costs and final payment due to the applicant or overpayment due to the Division.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-317. Procurement Requirements

The Director shall not allow a claim arising from a procurement unless the applicant complies with the Arizona procurement laws set forth in A.R.S. § 41-2501, et seq., and A.A.C. R2-7-101 et seq.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-318. Inspection and Audit of Contract Provisions

If a contract or subcontract for the furnishing of goods, equipment, labor, materials, or services to the applicant may result in a claim, the applicant shall include in the contract or subcontract a provision that all books, accounts, reports, and other records relating to the contract or subcontract shall be subject to inspection and audit by the state for five years after completion of the contract or subcontract.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-319. Refund from an Applicant

- A.** If the Director determines that an applicant is required to refund an amount, the Director shall provide the applicant written notice of the amount owed. The applicant shall reim-

burse the Division within two months of the date of notification.

- B.** An applicant may request a review, as set forth in R8-2-320, of a determination under subsection (A) that an amount must be refunded. If the review results in a decision that the applicant is required to reimburse the Division, the applicant shall refund the amount required within two months of the decision.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-320. Appeal of the Director's Decision

- A.** Any party aggrieved by a decision rendered by the Director may appeal the decision, in writing, not later than 15 days after receipt of notice of the Director's decision.
- B.** When an appeal is filed, the Director shall contact the Office of Administrative Hearings to schedule the case with the office in accordance with A.R.S. § 41-1092.02.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

R8-2-321. Scope

The provisions of this Article apply to contingencies arising from hazardous materials incidents.

Historical Note

Adopted effective September 18, 1996 (Supp. 96-3).

ARTICLE 4. REPEALED

R8-2-41. Repealed

Historical Note

Adopted as an emergency effective March 24, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-2). Former Section R8-2-41 adopted as an emergency now adopted as a permanent rule effective June 24, 1982 (Supp. 82-3). Adopted as an emergency effective October 12, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-5). Emergency expired. Former Section R8-2-41 repealed, new Section R8-2-41 adopted effective April 2, 1985 (Supp. 85-2). Section R8-2-41 repealed as an emergency effective March 14, 1988, pursuant to A.R.S. § 41-1026, valid for only 90 days (see R4-34-1101, Arizona State Fire Code, adopted as an emergency pursuant to A.R.S. § 41-1026, valid for only 90 days) (Supp. 88-1). Emergency expired. Section R8-2-41 repealed effective November 16, 1988 (see R4-34-1101, Arizona State Fire Code) (Supp. 88-4).

ARTICLE 5. EMERGENCY EXPIRED

R8-2-51. Emergency expired

Historical Note

Adopted as an emergency effective July 17, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired.

R8-2-52. Emergency expired

Historical Note

Adopted as an emergency effective July 17, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-4). Emergency expired.

R8-2-53. Emergency Expired

Historical Note

Adopted as an emergency effective July 16, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.

R8-2-54. Emergency Expired

Historical Note

Adopted as an emergency effective July 16, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-4). Emergency expired.

ARTICLE 6. HAZARDOUS MATERIALS TRAINING PROGRAM, STUDENT AND INSTRUCTOR EVIDENCE OF COMPLETION

R8-2-601. Definitions

The following definitions apply in this Article, unless the context requires otherwise:

1. "Authorized instructor" means an individual who the Division determines meets the criteria at R8-2-602.
2. "Director" means the director of the Division.
3. "Division" means the Arizona Division of Emergency Management.
4. "Evidence of Completion" means a document issued by the Division to an individual who successfully completes a standardized course of instruction.
5. "Hazmat First Responder Awareness Level personnel" means individuals who are likely to witness or discover a hazardous material release and who are trained to initiate an emergency response sequence by notifying the proper authorities of the release.
6. "Hazmat First Responder Operations Level operatives" means individuals who are trained to respond in a defensive fashion without actually trying to stop a hazardous material release.
7. "Hazardous materials" means:
 - a. Any material designated under the hazardous materials transportation act of 1974 (49 U.S.C. 1801);
 - b. Any element, compound, mixture, solution, or substance designated under the comprehensive environmental response, compensation, and liability act of 1980 (42 U.S.C. 9602);
 - c. Any substance designated in the emergency planning and community right-to-know act of 1986 (42 U.S.C. 11002).
 - d. Any substance designated in the water pollution control act (33 U.S.C. 1317(a) and 1321(b)(2)(A));
 - e. Any hazardous waste having the characteristics identified under or listed under A.R.S. § 49-922;
 - f. Any imminently hazardous chemical substance or mixture with respect to which action is taken under the toxic substances control act (15 U.S.C. 2606);
 - g. Any material or substance determined to be radioactive under the atomic energy act of 1954 (42 U.S.C. 2011);
 - h. Any substance designated as a hazardous substance under A.R.S. § 49-201; and
 - i. Any highly hazardous chemical or regulated substance as listed in the clean air act of 1963 (42 U.S.C. 7401-7671).
8. "Hazardous materials incident" means an uncontrolled, unpermitted release or potential release of hazardous materials that presents an imminent and substantial danger to the public health or welfare or to the environment.
9. "Hazardous materials response experience" means knowledge and skills gained by responding to hazardous materials incidents.
10. "Instructor requirements" means the criteria listed at R8-2-602 for authorization as an instructor by the Division.
11. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping,

leaching, dumping, or disposing into the environment, but excludes:

- a. Release that results in exposure to persons solely within a workplace, with respect to a claim that the persons may assert against their employer;
- b. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;
- c. Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if the release is subject to financial protection requirements established by the Nuclear Regulatory Commission under section 170 of the Act, or for the purposes of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978; and
- d. Normal application of fertilizer.

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1).
Amended by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-602. Hazmat First Responder Awareness Level Course and Hazmat First Responder Operations Level Course Curriculum

- A. An authorized instructor shall conduct a Hazmat First Responder Awareness Level course or a Hazmat First Responder Operations Level course in accordance with the standardized curriculum maintained by the Division. The Division shall promptly notify all authorized instructors of any change in the curriculum.
- B. Topics covered in the Hazmat First Responder Awareness Level course are:
 1. What hazardous materials are and the risks associated with a hazardous materials incident;
 2. Potential outcomes associated with an emergency created when hazardous materials are present;
 3. How to recognize the presence of hazardous materials in an emergency;
 4. How to identify different hazardous materials, and
 5. Role of a first responder awareness individual in an employer's emergency response plan, including site security and control, and use of current resource materials.
- C. Topics covered in the Hazmat First Responder Operations Level course are:
 1. Basic hazard and risk assessment techniques;
 2. How to select and use proper protective equipment;
 3. Basic hazardous materials terms;
 4. How to perform basic control, containment, or confinement operations with the resources and personal protective equipment available;
 5. How to implement basic decontaminating procedures; and
 6. Standard operating and terminating procedures.

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-603. Instructor Authorization and Renewal

A. Instructor authorization:

1. An instructor authorized by the Division shall teach each Hazmat First Responder Awareness Level and Hazmat First Responder Operations Level course.
2. To be authorized as an instructor, an individual shall submit the following to the Division:
 - a. A "Participant Application" form obtained from the Division, located at the Department of Emergency and Military Affairs, 5636 E. McDowell Road, Bldg. 101, Phoenix, Arizona 85008. The applicant shall provide the following information to take an instructor workshop:
 - i. Course number;
 - ii. Course date;
 - iii. Course title;
 - iv. Applicant's name;
 - v. SSN;
 - vi. Applicant's employer;
 - vii. Applicant's position or title;
 - viii. Phone number;
 - ix. Fax number, if any;
 - x. Work mailing address, city, state, zip code, and county;
 - xi. Electronic mail address, if any;
 - xii. Brief description of current duties and how training as an instructor will be used;
 - xiii. Applicant's signature and date; and
 - xiv. Supervisor's signature, if applicable, and date;
 - b. Evidence of two years' experience in hazardous materials incident response;
 - c. Evidence of Completion of at least 80 hours for Awareness Level or at least 240 hours for Operations Level of hazardous materials training, and a signed copy of attendance and performance records;
 - d. A letter of recommendation to take instructor training from the applicant's employer, local emergency planning committee chair, county emergency management director, or coordinator; and
 - e. A brief summary of the applicant's experience in hazardous materials response and as an instructor of adult-level courses.
3. After an applicant submits to the Division the documentation described in subsection (A)(2)(a), the applicant shall:
 - a. Attend the instructor workshop,
 - b. Attain a score of at least 90% on the written exam, and
 - c. Successfully complete a teach back to demonstrate appropriate educational methodology and instructional techniques during an oral presentation.
4. The Division shall issue Evidence of Completion to an individual who successfully completes the instructor workshop.
5. The Division shall maintain records of instructor authorization.
6. Instructor authorization is valid for two calendar years.
- B.** To renew instructor authorization obtained from the Division, an authorized instructor shall:
 1. Submit a "Participant Application" form as described in subsection (A) to take an instructor refresher workshop;
 2. Attend an instructor refresher workshop sponsored by the Division before expiration of the current instructor authorization; and
 3. Provide evidence of having taught either a Hazmat First Responder Awareness Level course or refresher, or a Hazmat First Responder Operations Level course or refresher, two times in the current authorization period.

- C. An instructor who fails to comply with subsection (B), may obtain instructor authorization by applying and meeting the requirements as a new instructor under subsection (A).

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-604. Hazmat First Responder Awareness Level Course and Hazmat First Responder Operations Level Course Division Requirements

- A. An instructor authorized by the Division shall teach each Hazmat First Responder Awareness Level course and Hazmat First Responder Operations Level course. An instructor shall notify the Division at least 30 days before course delivery by submitting a "Course Request Form" obtained from the Division, located at the Department of Emergency and Military Affairs, 5636 E. McDowell Road, Bldg. 101, Phoenix, Arizona 85008. The instructor shall provide the following information:

1. Name of requestor;
2. Date;
3. Agency of requestor;
4. Mailing address, city, state, zip code and county;
5. Phone number;
6. Fax number, if any;
7. Name of agency head;
8. Applicant signature;
9. Electronic mail address;
10. Type of course;
11. Course name;
12. Course number;
13. Date course is offered;
14. Training site address and county;
15. Intended audience;
16. Estimated number of participants;
17. Name and signature of requestor; and
18. County emergency management director or local emergency planning committee chairperson endorsement: name, signature, title, and date,

- B. Within two weeks following completion of either the Hazmat First Responder Awareness Level course or refresher, or the Hazmat First Responder Operations Level course or refresher, the instructor shall provide the Division with all course records, including student application forms, course roster, completed pre- and post-exam answer sheets, and instructor and course evaluations. In addition, the instructor shall return all unused course materials to the Division.

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-605. Hazmat First Responder Awareness Level Personnel and Hazmat First Responder Operations Level Operatives Evidence of Completion

- A. To receive Evidence of Completion as Hazmat First Responder Awareness Level personnel or as Hazmat First Responder Operations Level operative, an individual shall:

1. Submit a "Participant Application" form as described in R8-2-603(A) for Division-sponsored courses. For non-Division-sponsored courses, the individual shall submit the course application contained in the student manual:
 - a. Course number: U100 (First Responder Awareness Course) or U200 (First Responder Operations Level Course);

- b. Course date;
- c. Course name: First Responder Awareness Course or First Responder Operations Level Course;
- d. Applicant's name;
- e. SSN;
- f. Title;
- g. Phone number;
- h. Fax number, if any;
- i. Organization;
- j. Electronic address; and
- k. Work mailing address, city, state, zip and county; and

2. Successfully complete the Hazmat First Responder Awareness Level course, or the Hazmat First Responder Operations Level course, and attain a score of at least 75% on the written exam.

- B. The Division shall issue Evidence of Completion to an individual who successfully completes the Hazmat First Responder Awareness Level course or the Hazmat First Responder Operations Level course. The employer of an individual issued Evidence of Completion shall maintain evidence of the individual's competency under 29 CFR 1910.120(Q)(6) and (Q)(8)(ii), published by the United States Government Printing Office and revised July 1, 2001, with no later editions or amendments. This regulation is incorporated by reference and on file with the Division and the Office of the Secretary of State.

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed; new Section made by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-606. Repealed

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-607. Repealed

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-608. Repealed

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-609. Repealed

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-610. Repealed

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-611. Repealed

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).

R8-2-612. Repealed

Historical Note

Adopted effective March 29, 1988 (Supp. 88-1). Section repealed by final rulemaking at 9 A.A.R. 309, effective March 18, 2003 (Supp. 03-1).